

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

<p>MINNEAPOLIS FIREFIGHTERS' RELIEF ASSOCIATION, <i>et al.</i>,</p> <p>Plaintiffs,</p> <p>v.</p> <p>MEDTRONIC, INC., <i>et al.</i>,</p> <p>Defendants.</p>	<p>Civil No. 0:08-cv-06324-PAM-AJB</p>
--	--

**PLAINTIFFS' RESPONSE TO  
STATEMENT OF MEDTRONIC, INC., FILED JANUARY 31, 2012**

Plaintiffs respectfully submit this brief response to Medtronic, Inc.'s ("Medtronic" or the "Company") January 31, 2012 filing. *See* Docket No. 311. Medtronic's Response states that "it has no role or position in this dispute [between Plaintiffs and CW2]." *Id.* at 1. This statement is inaccurate. First, it was Medtronic itself that asked CW2 to execute a sworn Declaration written by Medtronic's counsel to challenge Lead Counsel's adequacy and prevent the Class from being certified. *See* Docket No. 306 at 3, 10. The Declaration was created for Medtronic's benefit and was used to advance the Company's interests. Second, Medtronic and CW2 collaborated to determine whether any of the documents CW2 withheld pursuant to the Fifth Amendment had been separately produced by Medtronic. *Compare* Docket No. 310, Ex. 6 *with* Ex. 7. Third, while claiming that it does not "control[]" CW2 or his counsel, Medtronic's brief is silent as to any role it might have in compensating CW2's counsel for its work in representing CW2. Docket No. 311 at 1. Simply put, after its significant involvement in this dispute, Medtronic's attempt to now distance itself from CW2 should play no role in shaping the Court's ruling on CW2's objection to the Order.

Dated: January 31, 2012

Respectfully submitted,

**KESSLER TOPAZ MELTZER  
& CHECK, LLP**

/s/ Ramzi Abadou

Ramzi Abadou  
Eli R. Greenstein  
Jennifer L. Joost  
Erik D. Peterson

580 California Street, Suite 1750  
San Francisco, CA 94104  
Telephone: (415) 400-3000  
Facsimile: (415) 400-3001

*-and-*

Andrew L. Zivitz  
Alessandra C. Phillips  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
Facsimile: (610) 667-7056

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

Salvatore J. Graziano  
Adam Wierzbowski  
Michael Blatchley  
1285 Avenue of the Americas  
New York, NY 10019  
Telephone: (212) 554-1400  
Facsimile: (212) 554-1444

**GRANT & EISENHOFER, P.A.**

Geoffrey C. Jarvis  
Jeffrey A. Almeida  
1201 North Market Street, 21st Floor  
Wilmington, DE 19801  
Telephone: (302) 622-7000  
Facsimile: (302) 622-7122

**MOTLEY RICE LLC**

Joseph F. Rice  
James M. Hughes  
28 Bridgeside Blvd.  
Mount Pleasant, SC 29464  
Telephone: (843) 216-9000  
Facsimile: (843) 216-9450

*Class Counsel for Lead Plaintiffs and the Class*

**CHESTNUT & CAMBRONNE**

Karl L. Cambronne (No. 14321)

Jeffrey D. Bores (No. 227699)

Bryan L. Bleichner (No. 0326689)

17 Washington Avenue North, Suite 300

Minneapolis, MN 55401-2048

Telephone: (612) 339-7300

Facsimile: (612) 336-2940

*Lead and Liaison Counsel for Lead Plaintiffs  
and the Class*